



Patent  
094996-155036

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Sanatgar, Homayoun, et al.**

**Serial No.: 10/601,110**

**Filed: June 23, 2003**

**For: METAL TUBE SUPPORT  
BRACKET AND METHOD FOR  
SUPPORTING A METAL TUBE**

)  
) **Group Art Unit: 3632**

)  
) **Examiner: King, Anita M.**

)  
) **Confirmation No.: 7024**

)  
) **Customer No.: 34026**

)  
) **Previous Docket No. 012903**

)  
) **New Docket No. 094996-155036**

)  
) **Attorney Handling Renewed Petition:**  
) **Paul Shanowski, Senior Attorney**  
) **Office of Petitions**

**DECLARATION OF NEIL HOLT**

Mail Stop Petition  
Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Neil Holt, hereby declare and state as follows:

1. I am one of the named inventors of the above-identified patent application. This declaration is filed in support of Thermal Dynamics' Renewed Petition For Revival of Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b).

2. I was previously employed by Thermal Dynamics and am now retired. My responsibilities at Thermal Dynamics included managing and directing personnel in the design

**CERTIFICATE OF MAILING (37 C.F.R. §1.10)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to Mail Stop Petition, Commissioner for Patents, USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

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LAI-2956534v1

Yolanda G. Ybuan

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*Yolanda G. Ybuan*

Signature of Person Mailing Paper

and development of heat exchangers for automotive and industrial applications, including the persons who are the named inventors of the above application, U.S. Patent Application No. 10/601,110 (the '110 patent application). My responsibilities did not include interfacing with patent counsel Gary Appel. I was not aware that the above application was abandoned until very recently when contacted by Thermal Dynamics' attorney Lawrence LaPorte. Communication with patent counsel with regard to the above application was solely the responsibility of Homayoun Sanatgar.

3. Mr. Don Smith, who is also a named inventor, is a friend of mine and I have remained in contact with him since my retirement. I understand that Mr. Smith is presently in mainland China for Thermal Dynamics, on a long term assignment and therefore not available. It is my understanding, based upon my prior work at Thermal Dynamics, that Mr. Smith also had no responsibility for interfacing with patent counsel Mr. Appel or monitoring the status of the '110 patent application. Similarly, it is my understanding that named inventor Behnam Akbarian also had no responsibility for interfacing with patent counsel Mr. Appel or monitoring the status of the '110 patent application. Finally, Gary Johnson was the president and CEO of Thermal Dynamics during the entire time period of the application until earlier this year, and I reported to him. Mr. Johnson assigned to me the task of designating a contact person for Gary Appel, and I assigned that responsibility to Homayoun Sanatgar. Accordingly, Mr. Johnson had no on-going responsibilities for interfacing with Mr. Appel or monitoring the status of the '110 application.

I declare under penalty of perjury that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application or

patent issuing thereon.

Executed this 19<sup>th</sup> day of June 2008, at Hesperia, U.S.A.



Neil Holt